

UNITED STATES DISTRICT COURT  
DISTRICT OF MONTANA  
HELENA DIVISION

ASARCO LLC, A DELAWARE  
CORPORATION,

Plaintiff,

vs.

ATLANTIC RICHFIELD COMPANY,  
A DELAWARE CORPORATION,

Defendant.

Case No. CV-12-053-H-DLC

DECLARATORY JUDGMENT IN A  
CIVIL CASE

**Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

**X Decision by Court.** This action came before the Court for bench trial, hearing, or determination on the record. A decision has been rendered.

IT IS ORDERED AND ADJUDGED: Declaratory Judgment is entered in favor of Plaintiff ASARCO and against Defendant Atlantic Richfield as follows:

(1) The Site is a “facility” within the meaning of 42 U.S.C. § 9601(9); a “release” of a “hazardous substance” from the Site occurred within the meaning of 42 U.S.C. § 9607(a)(4); such “release” caused ASARCO to incur response costs “necessary” and “consistent” with the National Contingency Plan pursuant to 42 U.S.C. §§ 9607(a)(4)(A) and (B); and Atlantic Richfield is a responsible “person” subject to the liability provisions of 42 U.S.C. § 9607(a).

(2) Atlantic Richfield is liable to ASARCO for 25% of all future costs incurred at the Site that are necessary and consistent with the National Contingency Plan, subject to the contingency that future events and discoveries based on new information, unknown to the parties at the time of trial or not

reasonably within their contemplation, may impact or disprove the 25% allocation. In such an event, and upon a showing of a good faith effort to meet and confer beforehand, the parties may return to the Court for resolution.

Dated this 26th day of May 2021.

TYLER P. GILMAN, CLERK

By: /s/ Heidi Gauthier  
Heidi Gauthier, Deputy Clerk